

LEGISLATIVE UPDATE

2.28.20



1. NCGA PROCEDURE
2. LONG SESSION
3. SHORT SESSION
4. QUESTIONS



1. NCGA PROCEDURE



NCGA PROCEDURE

- Three Types of Session



NCGA PROCEDURE

- Three Types of Session
 - Regular Session
 - Veto Session
 - Extra Session (Special Session)



NCGA PROCEDURE

- **Regular Session**
 - Long Session- First year of biennium; odd-numbered years
 - Short Session- Second year of biennium; even-numbered years



NCGA PROCEDURE

- How a Bill Becomes a Law in NC



NCGA PROCEDURE

- How a Bill Becomes a Law in NC- **Overview**
 - Member introduces
 - Read three times in each chamber
 - Approved by both chambers
 - Signed, or not vetoed, by the Governor



NCGA PROCEDURE

- How a Bill Becomes a Law in NC- **More Detail**
 - Member introduces in original chamber (e.g. **House**)
 - First Reading
 - Referred to Committee by Speaker
 - Sometimes subcommittee
 - Often amended
 - Reported from Committee
 - Favorably, favorably as amended
 - Second Reading (debate, vote, pass)
 - Third Reading (debate, vote, pass)
 - Deliver to other chamber (e.g. Senate)



NCGA PROCEDURE

- How a Bill Becomes a Law in NC- **More Detail**
 - Bill delivered to other chamber (e.g. **Senate**)
 - First Reading
 - Referred to Committee by Chairman of Sen. Rules
 - Often amended
 - Reported from Committee
 - Favorably, favorably as amended
 - Second Reading (debate, vote, pass)
 - Third Reading (debate, vote, pass)
 - Returned to original chamber (e.g. House)
 - Often returned as amended



NCGA PROCEDURE

- How a Bill Becomes a Law in NC- **More Detail**
 - Original chamber (e.g. **House**) votes either to:
 - Concur, or
 - Not Concur
 - Conference committee established with certain members of House and Senate
 - Conference report
 - Full House and Senate adopt conference report
 - Bill ratified
 - Presented to Governor



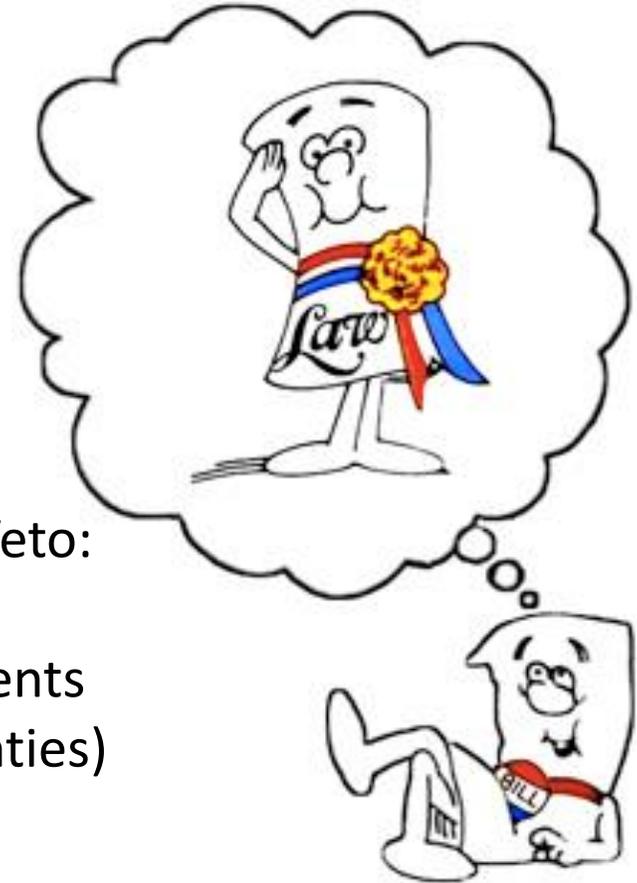
NCGA PROCEDURE

- How a Bill Becomes a Law in NC- **More Detail**
 - Governor
 - Signs act
 - Allows 10 days to pass without signing
 - Vetoes*



NCGA PROCEDURE

- How a Bill Becomes a Law in NC- **More Detail**
 - Governor
 - Signs act
 - Allows 10 days to pass without signing
 - Vetoes*
 - *Some legislation not subject to Governor's Veto:
 - ▶ Legislative or congressional redistricting
 - ▶ State and federal constitutional amendments
 - ▶ Local bills (applying in fewer than 15 counties)
 - ▶ Resolutions
 - ▶ Bills only making appointments by NCGA



NCGA PROCEDURE

- How a Bill Becomes a Law in NC- **More Detail**
 - Governor
 - Signs act
 - Allows 10 days to pass without signing
 - Vetoes
 - Returns to chamber of origin
 - In both House and Senate:
 - ▶ 3/5 of members present vote to override



NCGA PROCEDURE



1. NCGA PROCEDURE

2. LONG SESSION



LONG SESSION

- Usually convenes beginning in January of each odd-numbered year
- Typically lasts 6-7 months



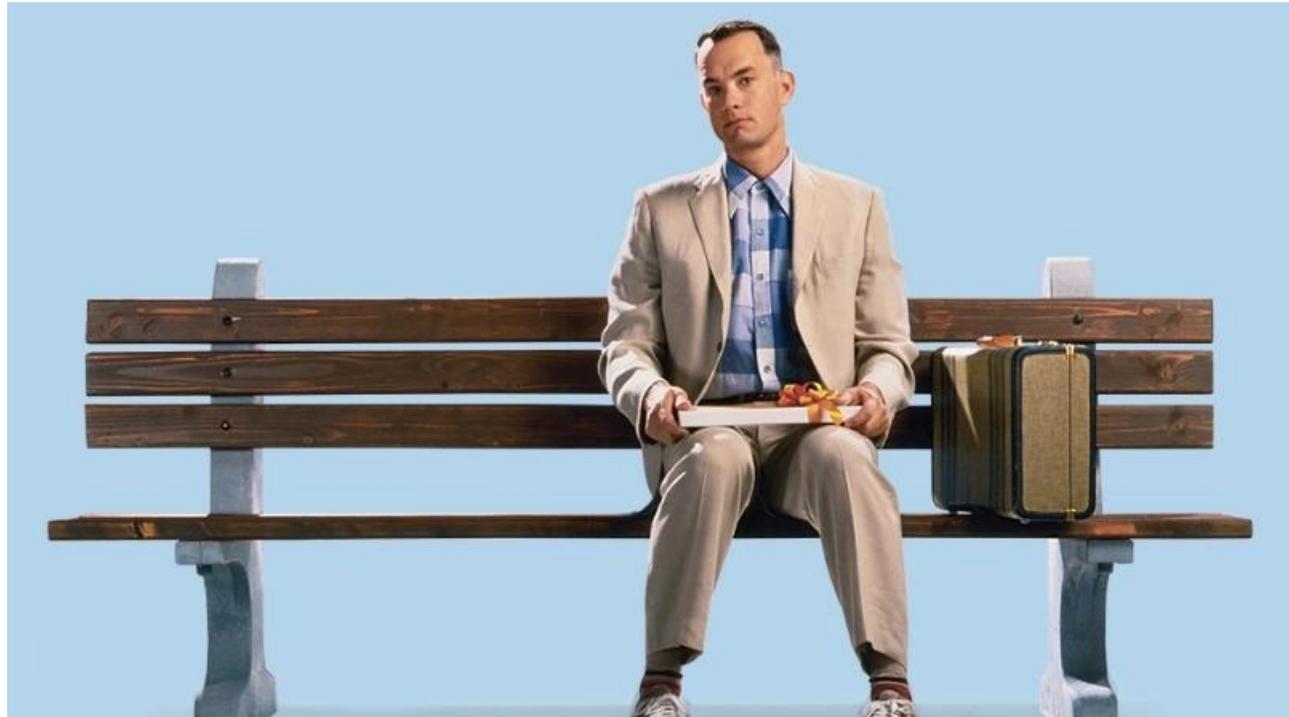
LONG SESSION

- The *very* long session of 2019



LONG SESSION

- The *very* long session of 2019
- Before:



LONG SESSION

- The *very* long session of 2019
- After:



LONG SESSION

- The *very* long session of 2019
 - 2019 Long Session convened January 9, 2019



LONG SESSION

- The *very* long session of 2019
 - 2019 Long Session convened January 9, 2019
 - And “adjourned” on January 14, 2020



LONG SESSION

- The *very* long session of 2019
 - 2019 Long Session convened January 9, 2019
 - And “adjourned” on January 14, 2020
 - The General Assembly will return April 28, 2020



LONG SESSION

- Budget Bill (H 966)
 - Senate passed May 31, 2019
 - House passed June 27, 2019
 - Cooper vetoed June 28, 2019
 - House overrode veto September 11, 2019
 - Senate failed to hold vote on veto override before adjourning



LONG SESSION

- Budget bill (H 966)- Judicial Branch appropriations not received due to veto:
 - **Integrated Case Management System (“eCourts”)** - \$6,008,929
 - Funding to begin implementation of ICMS
 - **Innovative Court Pilot Program** - Total FY 2019-21: \$1,164,750
 - Funding for innovative treatment court pilots in five counties:
 - Robeson
 - Haywood
 - Pitt
 - Harnett
 - Cumberland



LONG SESSION

- Budget bill (H 966)- Judicial Branch appropriations not received due to veto:
 - **Guardian ad Litem** - Total FY 2019-21: \$1,230,592
 - Provides funding for a GAL Program Supervisor and GAL Regional Administrator.
 - **District Attorneys**- Total FY 2019-21: \$1,800,067
 - 5 District Attorney Investigator positions.
 - 3 ADA positions to act as Special Assistant United States Attorneys.
 - **Innocence Inquiry Commission**- Total FY 2019-21: \$389,160
 - Full-time Staff Attorney, a part-time Administrative Secretary, and \$30,000 for investigative services.



LONG SESSION

- Budget bill (H 966)- Judicial Branch appropriations not received due to veto:
 - **Sentencing and Policy Advisory Commission**- Total FY 2019-21: \$195,890
 - Research Associate position.
 - **Human Trafficking Commission** - Total FY 2019-21: \$477,869
 - Executive Director position.
 - **Pisgah Legal Services Funding** - Total FY 2019-21: \$50,000
 - Grant for legal aid to veterans.
 - **NCLEAF Funding** - Total FY 2019-21: \$250,000
 - Funds for NC Legal Education Assistance Foundation to encourage attorneys to pursue careers in public service.



LONG SESSION

- **Bills affecting the Judicial Branch that passed into law during the long session include:**
 - SL 2019-186 (S 413) - Raise the Age Modifications
 - SL 2019-229 (H1001) - Raise the Age Funding
 - SL 2019-216 (S682) - Implement Crime Victim Rights Amendment
 - SL 2019-209 (H226) - Pay Increases for State Employees
 - SL 2019-243 (H470) - AOC Omnibus Bill



LONG SESSION

- Raise the Age Modifications - SL 2019-186 (S 413)
 - Raise the Age legislation changed age of juvenile court jurisdiction from 16 to 18
 - RTA went into effect December 1, 2019
 - The Raise the Age Modifications bill further tweaked RTA by:
 - Clarifying offenses that remain outside juvenile court jurisdiction
 - Expanding timeline for probable cause hearings in some instances
 - Remanding some superior court cases to district court for juvenile processing



LONG SESSION

- Raise the Age Funding - SL 2019-229 (H1001)
 - “Mini-Budget”
 - Funds additional positions necessary to implement Raise the Age, including:
 - district court judges
 - assistant district attorneys
 - deputy clerks
 - Provides money to the AOC, the Department of Public Safety, and the Office of Indigent Defense Services to facilitate implementation of RTA



LONG SESSION

- Implement Crime Victim Rights Amendment- SL 2019-216 (S682)
 - Implements constitutional amendment aimed at increasing protections and safeguards for victims of crime
 - Expands victims' right to be present and heard at court proceedings
 - Creates enforcement procedure for failure to comply
 - Creates a new Article in the Juvenile Code that models the Crime Victims' Rights Act



LONG SESSION

- Pay Increases for State Employees - SL 2019-209 (H226)
 - “Mini-Budget”
 - Retroactively granted 2.5% raise to state employees for FY 2019-2020
 - Grants 2.5% raise for FY 2020-2021



LONG SESSION

- The AOC Omnibus Bill- SL 2019-243 (H470)
 - Generally: Makes requested technical corrections to various statutes
 - Directs Supreme Court to make rules governing pro se registration for e-filing
 - Clarifies that Judicial Standards Commission investigations are limited to judicial conduct and not matters of law; prevents investigations based substantially on legal rulings until rulings have been appealed to Court of Appeals or Supreme Court



LONG SESSION

- The AOC Omnibus Bill- SL 2019-243 (H470) **(continued)**
 - Expands circumstances in which emergency judge may be assigned by adding:
 - Chief Justice assigns exceptional case to an emergency judge
 - Need for judge created by
 - holdover sessions
 - chief district court judge's administrative responsibilities
 - judge conflict
 - judicial educational responsibilities
 - Medical leave of sitting judge



LONG SESSION

- The AOC Omnibus Bill- SL 2019-243 (H470) **(continued)**
 - The Omnibus Zombie Bill



LONG SESSION

- The AOC Omnibus Bill- SL 2019-243 (H470) **(continued)**
 - The Omnibus Zombie Bill
 - a.k.a. the Zomnibus



LONG SESSION

- Original AOC Omnibus Bill Number: H226
- Introduced: 2/27/19
- Senate passed: 8/13/19
- House failed to concur: 8/19/19
- Conference committee appointed: 8/20/19
- **Conference Committee “Guts and Replaces” Bill: 8/27/19**
- H226 then becomes “mini budget” providing pay raises to state employees
 - Signed into law 8/30/19
- AOC omnibus language is now effectively dead and gone



LONG SESSION



LONG SESSION

- H 470- child custody and parenting coordinators bill stalled in Senate
- **Senate committee replaces original language of H 470 with AOC omnibus: 10/9/2019**
- Senate passes H 470 (now the AOC omnibus): 10/10/2019
- House fails to concur: 10/24/2019
- Conference Committee appointed: 10/29/2019
- Revisions made to AOC omnibus via Conference Committee substitute: 10/31/2019
- Conference Committee approves omnibus language in Conference Report: 10/31/2019
- **Full House and Senate pass AOC omnibus: 10/31/2019**



LONG SESSION

- **Governor signs AOC omnibus into law: 11/6/2019**



LONG SESSION

- **Governor signs AOC omnibus into law: 11/6/2019**



1. NCGA PROCEDURE
2. LONG SESSION
- 3. SHORT SESSION**



SHORT SESSION

- Lawmakers return in Spring of even-numbered years
- Generally, not permitted to file new bills
- Legislature may consider:
 - Bills which passed at least one chamber (“crossed over”) during long session
 - Bills pertaining to the state budget
 - Constitutional amendments
 - Redistricting bills
 - Bills responding to redistricting litigation
 - Local bills
 - Pensions and retirement changes
 - Bills addressing recommendations of study committees that met in between sessions



SHORT SESSION

- General Assembly intends to reconvene
 - April 28, 2020
 - Questions remain:
 - Is it technically going to be the “long” or “short” session when they return?
 - If it’s a short session, how long is a short session?



SHORT SESSION

- Potential Areas of Interest for AOC



SHORT SESSION

- Potential Areas of Interest for AOC
 - Short session budget



SHORT SESSION

- Potential Areas of Interest for AOC
 - Short session budget
 - AOC Omnibus



SHORT SESSION

- Potential Areas of Interest for AOC
 - Short session budget
 - AOC Omnibus
 - Building legislative support for eCourts and Integrated Case Management System (ICMS)



SHORT SESSION

- Potential Areas of Interest for AOC
 - Short session budget
 - AOC Omnibus
 - Building legislative support for eCourts and Integrated Case Management System (ICMS)
 - Justice-related policy bills



SHORT SESSION

- Potential Areas of Interest for AOC
 - Short session budget
 - AOC Omnibus
 - Building legislative support for eCourts and Integrated Case Management System (ICMS)
 - Justice-related policy bills
 - e.g. The Second Chance Act



SHORT SESSION

- The Second Chance Act (S562)
 - A bipartisan bill which revises expunction laws to allow certain deserving individuals to receive automated expunction relief where charges were dismissed or disposed “not guilty” and provides a path for law-abiding individuals to petition for expungement of all nonviolent misdemeanor convictions after seven years of good behavior.



SHORT SESSION

- The Second Chance Act (S562)
 - **Automates expunction relief-** misdemeanor or felony charge that is dismissed or disposed “not guilty” will be automatically expunged. Exception: a felony charge that is dismissed pursuant to a plea agreement that results in any conviction.
 - **Provides expunction relief for juvenile convictions under Raise the Age-** petition-based expunction relief for all misdemeanor and Class H or I felony convictions that occurred when a person was ages 16 or 17 and prior to Dec. 1, 2019 (the effective date of RTA).
 - **Prosecutor-initiated expunction relief-** allows prosecutors may to petition for expunction of dismissed charges, charges disposed “not guilty,” and “Raise the Age” convictions.



SHORT SESSION

- The Second Chance Act (S562)
 - Passed the Senate, 44-0 on May 8, 2019.
 - Awaiting a vote in the House.
 - House leadership has suggested it will be taken up after the legislature reconvenes.



SHORT SESSION

- How to stay up to date with legislative developments during the short session:
 - [The Legislative Hub page on Juno](#)- AOC's regularly updated resource with information about the NCGA and Judicial Branch legislative priorities
 - [General Assembly Website](#)- view calendars, bill texts, search statutes, and more
 - [UNC School of Government's Legislative Reporting Service](#)- up-to-the-minute information about legislation, committee meetings, and bill monitoring
 - Contact Andrew Simpson, Chief Counsel for Policy and Intergovernmental Affairs
 - Andrew.M.Simpson@nccourts.org
 - 919-323-1418



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THANK YOU

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